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Man1-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

## | SECTION 21. |PROBATIONARY EMPLOYEE POLICY AND PROCEDURES|

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### 21-1 INTRODUCTION (See MAOP, Part 1, 5-4.3, 13-10, 13-13 & 13-14.)

(1) Appointments to positions in the FBI are contingent upon satisfactory completion of a one-year probationary period which begins when employees enter on duty. In addition, appointments of new Special Agent (SA) trainees, on or after December, 1994, and newly hired Forensic Examiners in the Laboratory Division, are contingent upon satisfactory completion of a two-year probationary period which begins when employees enter on duty as new SAs or Forensic Examiners. However, the two-year probationary period must be expressly stated as a condition of employment at the time the appointment is made. During this period, supervisors and management officials are responsible for ensuring, through vigilant oversight and direction, that new employees possess the qualities and abilities necessary for successful service. Within their first year on duty, probationary employees deemed deficient in performance and/or conduct may be reduced in grade or removed without the formality, privileges and protection afforded nonprobationary personnel. New SAs and Forensic Examiners, who are nonpreference-eligible, may also be reduced in grade or removed during the duration of their formal training programs and at any time within their two-year probationary periods for conduct reasons or suitability reasons without the formality, privileges, and protection afforded nonprobationary personnel. The policy and the procedures to be utilized to effect such actions follow. It must be noted that this policy supplements, but does not supersede or replace, existing performance appraisal and personal conduct policy. (See MAOP, Part 2, 8-1.2.1.)

(2) Notwithstanding the above, preference-eligible employees have certain procedural rights. In this regard, preference eligible employees who have completed one year of current continuous service in the same or similar positions within an agency are entitled to certain statutory due process rights set forth at Title 5, United States Code (USC), Section 7513. As a general matter, a preference eligible employee includes an honorably discharged veteran who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized; during the period beginning on April 28, 1952, and ending on July 1, 1955; or for at least 180 days during a period occurring after January 31, 1955, and before October 15, 1976 (with exceptions applying to the National Guard and the Reserves). The term also includes certain disabled veterans. In addition, under certain limited circumstances "preference eligible" can include an unmarried widow/widower of a veteran, the spouse of a disabled veteran, or the mother of a deceased or disabled veteran. It does not include members of the FBI-DEA Senior Executive Service.

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(See Title 5, USC, Section 2108.) Preference-eligible employees may only be removed or reduced in grade or pay for such reasons that will promote the efficiency of the service. (See MAOP, Part 1, 21-8.)

(3) Preference-eligible employees who have completed one year of current continuous service are entitled to the following procedural rights: (a) at least 30 days' advance written notice stating the specific reasons for the proposed action, unless there is a reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed; (b) a reasonable time of not less than seven days to answer orally and in writing and to furnish affidavits and other documentary evidence; (c) the right to be represented by an attorney or other representative; (d) a written

decision which includes the specific reasons for the agency action; (e) the right to appeal the adverse action to the Merit Systems Protection Board (MSPB); and, (f) the right to inspect documents which the agency relied upon in arriving at its decision.

(4) Nonpreference-eligible employees are not legally entitled to the same procedural rights as preference-eligible employees. Nonetheless, probationary employees who are being reduced in grade or removed from the rolls will be advised in writing of such action and the reasons for same. Nonpreference-eligible employees in a probationary status have no appeal rights either inside or outside the FBI. (See MAOP, Part 1, 13-1(5) & 14-4.2(4).)

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## **21-2 CITATIONS GOVERNING PROBATIONARY PERIODS**

(1) As an excepted service, the FBI is NOT subject to Title 5, United States Code (USC), Section 3321, or to Title 5, Code of Federal Regulations (CFR), Part 315, Subparts H and I, all of which pertain to probationary periods in the competitive service.

(2) The FBI is subject to Title 5, USC, Sections 4301 - 4302a and to Title 5, CFR, Part 430, Subparts B and D, which pertain to performance appraisal. Title 5, USC, Section 4303 and Title 5, CFR, Part 432, which pertain to the reduction in grade or removal of employees covered by the Performance Appraisal System (PAS) based on unacceptable performance, apply ONLY to those FBI employees who have completed one year of current continuous employment in the same or similar positions.

(3) Under Title 5, USC, Sections 7511-7513, and the related regulations in Title 5, CFR, Part 752, Subpart D, adverse actions may be taken only for such cause as will promote the efficiency of the service. In the FBI, referenced provisions apply ONLY to preference-eligible employees who have completed one year of current continuous employment in the same or similar positions. The advance notice and response privileges conferred by referenced

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statutory and regulatory provisions have traditionally been afforded to all FBI employees without regard to their preference-eligible status.

(4) FBI policy and procedures relative to performance appraisal and adverse actions are set forth in the Manual of Administrative Operations and Procedures (MAOP), Part 1, Sections 5 and 13, respectively; similar information regarding the Probationary Agent Program is included in the MAOP, Part 2, Section 8. For general information concerning Probationary Employee Policy and Procedures, see the MAOP, Part 1, Section 21. FBI executives, management officials and supervisors are also responsible for knowledge of supplemental information regarding these areas as set forth in related policy communications, booklets and the like.

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### **21-3 INDIVIDUALS/ACTIONS TO WHICH POLICY APPLIES**

(1) With the exception of those in the FBI Senior Executive Service, this policy applies to all individuals newly appointed to positions in the FBI. It also covers those individuals whose reinstatement to a position in the FBI is contingent upon satisfactory completion of a probationary period.

(2) This policy does NOT cover actions involving employees dismissed for preemployment conditions. Concerns of this nature must be immediately brought to the attention of the Bureau Applicant Employment Unit (BAEU), Administrative Services Division (ASD), and addressed in accordance with guidance received. The BAEU will coordinate these matters with the appropriate units at FBI Headquarters, such as the Staffing Unit, ASD. This policy is also NOT pertinent to probationary periods established in connection with disciplinary actions.

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### **21-4 DEFINITIONS**

(1) "Acceptable performance" - Performance that meets an employee's performance requirement(s) or standard(s) at the Meets Expectations level for employees subject to the PAS.

(2) "Appraisal" - The act or process of reviewing and evaluating the performance of an employee against the described performance standard(s).

(3) "Current continuous employment" - A period of employment in the same or similar positions without a break in service

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of a workday.

(4) "Minimum appraisal period" - The 90-calendar day period an employee must serve on notice of critical elements and performance standards before a Performance Appraisal Report (PAR) can be issued.

(5) "Probationary Period"

(a) A one-year period would begin the date an employee enters on duty and would end at the close of business on the last working day of that period (regardless of whether a leap year is involved). Thus, if an employee was appointed on Sunday, March 11, with a regular tour of duty from 8 a.m. to 4:30 p.m., he/she would complete probation at the close of business on Friday, March 8, the following year.

(b) For new Special Agent (SA) trainees and newly hired employees for Forensic Examiner positions in the Laboratory Division, a two-year period would begin the date the new SA or Forensic Examiner enters on duty and would end on the last working day of that period. As an example, if the new SA or Forensic Examiner was appointed on Sunday, December 11, 1994, with a regular tour of duty from 8 a.m. to 4:30 p.m., they would complete probation at the close of business on Wednesday, December 11, 1996.

(c) A termination made effective at the close of business on the last working day of the probationary period, with no time specified, would become effective at midnight - after the probationary period has been completed. This means that the employee must be removed BEFORE the close of business of the last day of the probationary period; otherwise, the employee automatically completes probation, and the agency must then take action under policy governed by Title 5, Code of Federal Regulations, Part 432 or 752, as appropriate.

(d) Notwithstanding the above, for the purposes of performance-based dismissal actions only, probationary periods end after all employees' first year of service.

(6) "Reassignment" - The movement of an employee from one position to another with no change in grade or salary.

(7) "Reduction in grade" - The involuntary assignment of an employee to a position at a lower classification or job grading level.

(8) "Removal" - The involuntary separation of an employee from employment with an agency.

(9) "Same or similar positions" - Positions in which the duties performed are similar in nature and character and require substantially the same or similar qualifications, so that the incumbents could be interchanged without significant training or undue interruption to the work.

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## **21-5 RESPONSIBILITIES**

(1) The Assistant Director (AD) of the Administrative Services Division (ASD) is responsible, personally or through designated staff members, for administering all personnel activities, including the formulation of personnel policies and overall administration and management of the FBI's centralized personnel program. This responsibility includes, but is not limited to, authorizing the reduction in grade or removal of any employee covered by this policy.

(2) The Personnel Officer is responsible, personally or through designated staff members, for managing and directing the FBI's performance appraisal systems, and for managing and directing the administrative processes required to address performance-based disciplinary matters. The Assistant Director, Office of Professional Responsibility, is responsible, personally or through designated staff members, for managing and directing the FBI's disciplinary process. These responsibilities include, but are not limited to, reviewing, analyzing and evaluating specific PAS applications and the results of administrative inquiries to ensure compliance, and concurring with or disapproving recommendations to reduce in grade or remove probationary employees.

(3) The AD of the Training Division (TD) is responsible, personally or through designated staff members, for managing and directing the training afforded at the FBI Academy to newly appointed Special Agents. This responsibility includes, but is not limited to, establishing and monitoring the levels of performance which must be met for a new Agent to continue in/graduate from the FBI Academy and reviewing recommendations to remove an Agent trainee who has failed to meet the established criteria. He/She is personally responsible for authorizing the removal of new Agent trainees who have failed to meet the criteria established for the academic, firearms, or physical fitness/defensive tactics programs, and for notifying new Agents of this decision.

(4) Each head of office is responsible for the appraisal process under his/her jurisdiction as well as for the oversight of conduct and disciplinary matters. In this regard, he/she must impose controls to ensure that probationary employees' performance, conduct, and suitability are monitored and evaluated in an effective, timely and consistent manner, and that supervisors afford assistance designed to help employees achieve the requisite minimum level of performance.

(5) Rating and reviewing officials are responsible for: consistently monitoring and evaluating subordinates' performance, conduct, and suitability; assisting employees to meet an acceptable level of performance; counseling employees regarding performance,

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conduct, and suitability; and initiating any necessary performance appraisal, disciplinary, or other personnel actions in a timely manner.

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## **21-6 NEW AGENTS AT THE ACADEMY**

Reference is made to the policy document captioned "Requirements at the FBI Academy," which defines the levels of performance which must be met by every New Agent Trainee (NAT) to continue in the training program and graduate. The document also explains the New Agent Review Board (NARB) process and defines the performance, suitability and requirements of the Agent position considered critical to effective job performance. NATs receive a copy of this document for review and are required to indicate, in writing, their understanding of the contents of the document.

(1) PROGRAM FAILURE. When an NAT fails to meet the criteria established for the academic, firearms, or defensive tactics program, he/she may be subject to dismissal from the Academy. In these instances, the employee is to be notified, in writing by the approving official, the AD, TD, that his/her employment is being terminated for failure to meet the specified training requirements.

(2) NARB OR OTHER INVESTIGATIVE FACT-FINDING PROCEDURES. Upon review of the investigative findings, the AD, TD, will take appropriate action up to and including a recommendation to dismiss the NAT. In the instance of a recommendation for dismissal, the documents reflecting the bases for and the approval of that action are to be forwarded to the Personnel Officer, Personnel Assistance and Facilities Management Branch, Administrative Services Division (ASD). Personnel assigned thereto will promptly review the matter for compliance with governing policies and will coordinate with other offices, e.g., Office of Equal Employment Opportunity Affairs, as required. The AD, ASD, is responsible for approving/disapproving the recommendation and will notify the employee, in writing, of the decision and the reason(s) for the action.

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## **21-7 MONITORING, DOCUMENTING AND REVIEWING**

(1) Once new Agent or support employees report to their offices, their supervisors must be particularly alert to, and consistent in, monitoring and documenting their performance and personal conduct. With respect to appraisal matters, both positive and negative examples of probationary employees' performance are to be

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documented with sufficient frequency and detail to permit the assignment of performance levels when collectively reviewed in terms of the requirements of the employees' critical elements and the measurement criteria in their performance standards.

(2) Rating officials are to record training and instructions afforded probationary employees in order to assess their ability to perform required assignments in an acceptable manner. Similarly, all instances in which assistance is provided to probationary employees to improve performance which is less than Meets Expectations is to be recorded for appropriate consideration as the appraisal process continues. Maintenance of such documentation will facilitate rating and reviewing officials' determinations regarding the nature of the supervision and guidance required to ensure employees complete their assignments in an acceptable manner.

(3) Supervisors and management officials must also be alert to, consistent in documenting, and careful in balancing the needs of probationary employees. In so doing, supervisors should consider the health of employees, as well as their family members, in relation to the office's need for reliable employees who report to work regularly. Accordingly, probationary employees must be advised during their indoctrination and reminded as necessary during their probationary period that the use of leave is an earned privilege subject to supervisory approval.

(4) Any incident reflecting a failure to meet/observe a condition of employment or a violation of personal conduct policy must be carefully documented. Examples of such incidents would include, but are not limited to, those in the schedule of disciplinary offenses in the MAOP, Part 1, 13-13. The record is to include not only details of the incident itself, but also the employee's response when questioned regarding the failure or violation and any mitigating circumstances known or claimed. In addition, details regarding the instructions, advice and/or guidance provided to the employee with respect to the immediate and potential consequences of the incident and the effect of any repetition are to be documented.

(5) Creation of records in a timely manner is necessary in order to permit the consideration of all appropriate factors regarding employees' performance and conduct when deciding whether to retain, reduce in grade or release employees prior to the close of their probationary period. The absence of records or records which lack adequate detail may preclude the formulation of an informed judgment to take such an action on an employee prior to the expiration of his/her probationary period. Additionally, uniform, consistent treatment and documentation of incidents occurring during employees' probationary periods will serve to reinforce the FBI's clear policy regarding personal conduct and minimize the potential for misunderstandings between the employees and their supervisors and managers.

(6) Heads of offices are responsible for establishing and implementing appropriate controls to ensure that all subordinate management officials and supervisors not only collect and maintain appropriate documentation but also review it periodically with

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particular attention to its effect, if any, on an employee's ability to successfully complete his/her probationary period. For new Agents, it is suggested that reviews be keyed to their file reviews which must be conducted at least every 60 days. (See MAOP, Part 2, 1-1.4, 1-3.13.3, and 8-1.2.3.) A similar schedule is recommended for new support personnel.

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## **21-8 PERSONNEL ACTIONS**

(1) Reassignment, reduction-in-grade, and removal are the principal personnel actions utilized in connection with probationary employees. Unlike reduction-in-grade and removal, reassignments are not adverse actions and may be justified simply in terms of the needs of an office. Executives, management officials and supervisors are encouraged to consider the likely benefits of the reassignment of a probationary employee in terms of his/her qualifications for other positions, the needs of the current work area, and the total staffing needs of the office. Employees who were serving in an FBI support position prior to appointment to the Special Agent position and are subsequently removed from the Special Agent position during the probationary period may be returned/reassigned to their former support position or a similar position, regardless of their preference status. As well, those FBI employees serving in a support position prior to their selection for the Forensic Examiner position may be returned/reassigned to their former support position or a similar position should they fail to successfully perform in the position of Forensic Examiner, regardless of their preference status.

(2) Recommendations to remove or reduce a probationary employee in grade will normally be justified either in terms of performance or conduct deficiencies. Such recommendation must be reviewed and approved by the Assistant Director, Administrative Services Division or a designee. While not required by law or regulation, in the interest of uniformity and consistency, probationary employees who are being reduced in grade or removed from the rolls are to be advised in writing of the action being taken and the reasons for same. This communication should include the statement that the probationary employee has no right to appeal the action within the FBI. However, preference-eligible employees are entitled to certain procedural rights. See MAOP, Part 1, 21-1. (See also MAOP, Part 1, 14-4.2 (3).)

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## **21-9 PERFORMANCE APPRAISAL**

Rating and reviewing officials are required to apply

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uniform, consistent evaluation procedures in assessing the performance of each of their subordinates. The careful exercise of this responsibility is critical in evaluating the performance of probationary employees to determine their fitness for continued employment. The information generated through the systematic application of the performance appraisal process provides an excellent basis to determine progress during the first year on duty and will assist supervisors and management officials in making retention decisions.

(1) **MANAGEMENT EXPECTATIONS.** Administrative controls must be imposed to ensure that new employees are promptly placed on notice of their Performance Plan, i.e., critical elements and performance standards. Delays in presenting Performance Plans to new Agents may severely limit rating and reviewing officials' ability to make informed judgments regarding their performance especially in light of the fact that the first four (4) months of their probationary period is spent at the FBI Academy.

| New support employees and Agents who are subject to the|PAS|and who achieve at least the|Meets Expectations|level on each of their critical elements, have met the minimum level required for retention in their positions. Rating and reviewing officials may NOT require probationary employees to demonstrate a higher level of performance than is otherwise required for retention in FBI positions.

(2) **APPRAISAL PROCESS.** Sound application of the appraisal process is one of the most effective ways to safeguard the human and material resource investment made in the recruitment, investigation, and hiring of new employees. While supervisors are encouraged to utilize the full process to address performance deficiencies, they may elect the use of summary procedures to address significant performance problems or in instances in which the appraisal process cannot be completed in sufficient time to allow final action within a probationary period. In considering their recommendations, heads of offices must carefully weigh the following factors: the recruiting/hiring/training investment to date; the magnitude of the problem(s) observed; the nature and extent of the assistance previously provided; the amount of time remaining in the employee's probationary period; and the projected cost in human and material resources and program/assignment integrity, if an opportunity | period (minimum of 90 days for personnel subject to the|PAS)|is afforded. Refer to Section 21-10 for information regarding the

treatment of significant performance deficiencies in connection with the efficiency of the service.

(3) **PERFORMANCE BELOW THE MINIMUM.** When it is determined that a probationary employee is not achieving the minimum level for retention and is not responding to assistance, the supervisor should promptly initiate contact with personnel assigned to the Performance, Recognition and Awards Unit (PRAU). Information regarding any conduct issues should also be presented for referral to the Office of | Professional|Responsibility|as appropriate.

(a) While supervisors need to allow their

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probationary employees sufficient time to establish performance patterns, they are not required to wait until the end of the minimum appraisal period to discuss poor performance, initiate action to assist the employee to improve, or recommend a personnel action, e.g., reassignment, which may increase the employee's potential for performing acceptably. Similarly, despite a normal tendency to allow the benefit of the doubt with respect to formally judging new employees' performance, experience reflects that delays in officially recognizing deficiencies rarely benefit either the employee or the agency.

(b) When opportunity periods are initiated, employees are effectively promised assistance and a specified period of time to demonstrate improved performance. Recommendations for reduction in grade or removal are based on employees' failure to improve to the minimum level required for retention during their opportunity periods. Once notified of an opportunity period and absent unusual circumstances, e.g., a significant conduct incident or repetition of inappropriate conduct after counseling, a probationary employee will be considered to be ENTITLED to the assistance and time promised regardless of the date his/her probationary year ends. In effect this means that, if the opportunity period ends at approximately the same time or shortly after the probationary period ends and the employee has failed to improve, there will not be time to take action prior to the expiration of the probationary period. Action to reduce in grade or dismiss can still be taken, but he/she will be granted the same rights, e.g., advance written notice, afforded nonprobationary employees under the governing law and regulations.

(4) IMPROVEMENT OPPORTUNITIES. Providing assistance, as specified in a Does Not Meet Expectations|- Warning PAR, and careful monitoring of the employee's performance throughout his/her opportunity period is crucial to the decision required at the close of the opportunity period. Contact with PRAU personnel should be maintained during this period to facilitate the prompt preparation, review and acceptance of the documents required to close the period.

This is particularly important in addressing performance problems experienced by new Agents who are exposed to several investigative areas. For example, a new Agent may conduct applicant investigations in an acceptable manner but not be able to properly manage criminal investigations. Accordingly, it is imperative that such an Agent continue to be assigned criminal cases during his/her opportunity period and given assistance to improve in the handling of same. Only through this process can executives, management officials, and supervisors ensure that an appropriate basis exists to determine the individual's potential as an FBI employee.

(5) FAILURE TO IMPROVE. When a|PAS|probationary employee does not achieve the|Meets Expectations|level during an opportunity period, the required resolution PAR or communication must be prepared and issued as quickly as possible to permit action before the expiration of the employee's probationary period. As indicated in the |PAS|policy and procedural material, the appraisal document used to

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resolve an employee's warning status must contain specific examples of performance during the opportunity period. The examples should parallel those included in the warning PAR in order to show that the employee in fact had the opportunity to improve in the same areas in which performance deficiencies were previously noted.

If an employee fails to improve to an acceptable level, the head of his/her office is responsible for recommending reassignment, reduction-in-grade or removal. The resolution document along with the appropriate cover communication setting forth the issuing office's recommendation should be forwarded directly to the PRAU. This should allow the PRAU sufficient time to review and address the recommendation made prior to the expiration of the probationary period.

(6) RECONSIDERATION REQUESTS/APPEALS. Under existing policy, employees may request the Personnel Officer to reconsider any PAR received. Such a request, particularly at the close of an opportunity period, will not stay the action recommended by the issuing office, given the Personnel Officer's initial acceptance of the PARs involved. Probationary employees do not have the right to appeal actions based on performance appraisals outside the FBI.

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## **| 21-10 REPORTING CONDUCT DEFICIENCIES (See MAOP, Part I, 21-9(2).)**

(1) Executives, management officials and supervisors must carefully consider any misconduct of a new employee and the impact it may have on his/her career in the FBI. Supervisors who are concerned about the conduct of a probationary employee are encouraged to promptly initiate contact with the ASU. Misconduct coupled with performance deficiencies should be brought to the attention of the PRAU and ASU to ensure coordination of efforts.

(2) When the head of the office concurs that the nature of a probationary employee's performance or conduct deficiencies warrants reduction-in-grade or removal, a communication setting forth the specific facts supporting a recommendation will be prepared and forwarded directly to the ASU. Personnel assigned to the ASU will review the communication for compliance with policy as well as any other relevant policies and will ensure coordination with other offices as appropriate.

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## **| 21-11 |SUITABILITY STANDARDS|**

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**| 21-11.1 |Defining Suitability| (See 21-11.2.)**

Suitability standards were developed based on an analysis of job requirements for entry-level SAs conducted by a contract firm hired by the FBI. This job analysis identified entry-level knowledge, skills, and abilities (KSAs) for SAs. Entry-level SAs are considered to be those in a probationary status. The suitability standards described below are directly related to these critical KSAs. Any SAs who are deemed substantially deficient in, or unable to exhibit appropriately, any one of these six dimensions during their two-year probationary periods (one-year probationary periods for SAs who are preference-eligible) will be removed from the SA position based on a lack of suitability. These six dimensions will also be used by the FBI to assess the suitability of support employees serving in a probationary status.

It is intended that any employees who are deemed substantially deficient in, or unable to exhibit appropriately, any one of the six dimensions during their probationary periods will be removed from their positions based on a lack of suitability. It is also anticipated that the Office of Professional Responsibility will be able to apply these same standards in terms of misconduct dismissals for unprofessional conduct such as poor judgment and lack of candor. The six dimensions developed for measuring suitability are set forth below.

(1) Conscientiousness: Includes behavior that is dependable, responsible, organized, careful, and thoughtful, with a great attention to detail and follow-through. It is the ability to systematically plan, anticipate problems, and develop contingencies to avoid those problems. It can be contrasted with behavior that is unreliable, careless, negligent, and lax. Unsuitable behavior in this category includes excessively sloppy and careless work, being irresponsible when asked for something, losing important documents, materials, equipment, etc., and the failure to ask for assistance when appropriate and necessary.

(2) Cooperativeness: Includes behavior that involves following the chain of command and being willing to collaborate with individuals in the Bureau, in other law enforcement agencies, in the local government, and in the community. It is closely associated with the ability to relate effectively with others and being sensitive to others' needs. It can be contrasted with behavior that disrupts the work through insubordination or uncooperative actions. Unsuitable behavior in this category includes being rude, antagonistic, and/or impatient with other law enforcement officials, unnecessarily questioning the performance of fellow workers in front of others, being disrespectful to employees, and using abusive language.

(3) Emotional Maturity: Includes behaviors that involve maintaining self-control and approaching potentially volatile situations, events, and people in a calm, professional manner. It is

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the ability to be flexible, adapt to changing situations, and remain levelheaded and effective under stress. It is contrasted with behavior that is immature, irrational, and shows a lack of control over one's behavior. Unsuitable behavior includes reacting angrily or violently to comments made by individuals, acting inappropriately (i.e., excessive drinking and driving) outside of work, using excessive force, not reacting at all when it is appropriate to react or the inability to use appropriate force or other means when necessary, and engaging in any form of harassment or discrimination.

(4) Initiative: Includes behavior that involves perseverance and dedication in performing the duties of the job, going above and beyond expectations to accomplish the job, making suggestions to improve work processes, performing duties without having to be told, and a willingness to put in the long hours the job requires. This is highly correlated with motivation and includes exhibiting a commendable work ethic. It can be contrasted with behavior that involves failing to do what it takes to do the job successfully because of laziness or lack of interest. Unsuitable behavior in this category includes refusing to put in additional time during a crisis, failing to follow through with others because of inconvenience, and deliberately wasting time taking a number of breaks while on duty.

(5) Integrity and Honesty: Includes behavior that shows the person to be honest, trustworthy, self-disciplined, and respectful of laws and regulations; behaviors that display high standards of ethical conduct and actions that are taken without jeopardizing or compromising these standards, even when there are no ramifications for not doing so. Behaviors involve following agency policy and the letter and spirit of the law and avoiding even the appearance of impropriety. This is related to a person's professionalism, ability to maintain a positive image, ability to serve as a role model and represent the FBI positively to others. It can be contrasted with behavior that involves breaking the law and deviating from agency policy. Unsuitable behavior in this category includes accepting favors and gratuities, showing favoritism to friends or relatives, failing to report conflict of interest situations, lying, cheating, stealing (i.e., voucher fraud), lack of candor, failure to cooperate in an administrative inquiry, abuse of sick leave, and using government property for inappropriate personal reasons.

(6) Judgment: Includes the ability to evaluate information, think critically, question assumptions and discern merits and deficiencies in logic, and self-assess one's own skills. Behaviors indicate the ability to decide on and commit to a responsible course of action, as well as the ability to accept constructive criticism and evaluate it appropriately. Unsuitable behavior in this category includes taking actions without thinking of the consequences, acting in a way that jeopardizes the reputation of the office and/or the FBI, or adamantly denying negative feedback on performance and refusing to improve one's noted deficiencies by a superior.

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## 21-11.2 Failure to Meet Suitability Standards

(1) Suitability dismissals will be based on the suitability criteria described in MAOP, Part 1, 21-11.1 and in conjunction with a review of existing Bureau policy and precedent. The conduct, performance, and suitability of all probationary employees must be carefully monitored and documented by supervisory and management officials.

(2) Dismissals of employees during their probationary periods based on suitability grounds will be reviewed in connection with conduct-related matters pending in the Office of Professional Responsibility (OPR) or will be referred to the Personnel Officer, Administrative Services Division (ASD), FBIHQ, for adjudication. The FBI's Personnel Officer will serve as the centralized authority to evaluate suitability dismissal requests and will ensure that terminations based on suitability are fair and equitable.

(3) Due to the serious nature of these actions, proposed suitability dismissals must be thoroughly documented, like all other dismissal matters, and transmitted to FBIHQ, OPR, if conduct related, or the Personnel Officer, in the electronic communication (EC) format with accompanying documents as enclosures to the ECs. In addition to fully documenting the proposed actions, division heads recommending suitability dismissals will be required to explain why the requested actions are necessary and provide specific references to one or more of the suitability dimensions. Formal recommendations from division heads to dismiss probationary employees must also be included in the ECs transmitted to FBIHQ.

(4) The suitability standards described in MAOP, Part 1, 21-11.1 are expected to complement, not substitute for, the New Agent Review Board and Forensic Examiner review procedures currently used by the Training Division and Laboratory Division, respectively, to gauge the progress of SAs and FEs in training as well as the current procedures used by offices to document and report conduct-related matters to the OPR.

(5) Suitability dismissals may not be appealed within the FBI and only preference-eligible employees may appeal such dismissals outside of the FBI.

\*\*EffDte: 03/23/2000 MCRT#: 950 Div: D3

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\*\*\*\*\* END OF REPORT \*\*\*\*\*

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